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James F. McBride	Registration No. 43,784
Name of Attorney	
Signature of Attorney	

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Case 7756XC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Dykstra et al. : Confirmation No. 8365  
Serial No. 10/083,948 : Group Art Unit 1751  
Filed: February 27, 2002 : Examiner: Gregory R. Del Cotto  
Title: Stability Enhancing Formulation Components, Compositions and :  
Laundry Methods Employing Same

**RESPONSE AND ELECTION UNDER 37 CFR §1.143**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed on July 22, 2003, Applicants respectfully request that, under 37 CFR § 1.136(a), the time for response be extended by (4) four months and withdraw of such requirement.

The Commissioner is authorized to charge any processing fee required to accomplish the purpose of this amendment to Deposit Account #16-2480 in the name of The Procter & Gamble Company.

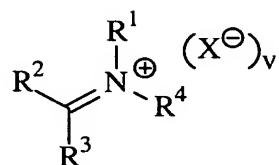
**PRIORITY CLAIM**

The Examiner requests clarification of Applicants' priority claim under 35 U.S.C. § 120. According to Applicants' priority claim records, the present application was filed in accordance with 35 U. S. C. § 120 and 35 U.S.C. § 365.

## ELECTION/RESTRICTION REQUIREMENT

### I. Election With Traverse

The July 22, 2003, Election/Restriction Requirement requires Applicants to elect, under 35 U.S.C. § 121, one of the formulas falling within I-XX for prosecution on the merits. Applicants elect Formula I, the aryliminium cations and aryliminium polyions having a net charge of from about +3 to about -3:



where  $\text{R}^2$  and  $\text{R}^3$  are independently selected from substituted or unsubstituted radicals selected from the group consisting of H, alkyl, cycloalkyl, aryl, alkaryl, aralkyl, heterocyclic ring, silyl, nitro, halo, cyano, sulfonato, alkoxy, keto, carboxylic and carboalkoxy radicals;  $\text{R}^1$  and  $\text{R}^4$  are selected from substituted or unsubstituted, saturated or unsaturated radicals selected from the group consisting of H, alkyl, cycloalkyl, aryl, alkaryl, aralkyl, heterocyclic ring, silyl, nitro, halo, cyano, alkoxy, keto and carboalkoxy radicals;  $\text{X}^{\ominus}$  is a suitable charge-balancing counterion, preferably a bleach compatible counterion;  $v$  is an integer from 1 – 3, with traverse. Such formula is found on page 5, line 15 of Applicants' specification

### II. Basis For Traverse

According to MPEP § 803, a restriction requirement between patentably distinct inventions is only proper when

- 1.) The inventions are independent or distinct; and
- 2.) There is a serious burden on the Examiner if restriction is not required.

A rebuttable *prima facia* showing of a serious burden can be made if the Examiner shows by appropriate explanation either separate classification, status in the art, or a different field of search as defined in MPEP § 808.02.

According to MPEP § 806.04(a) even if a restriction requirement is proper, an Applicant is entitled to claim a reasonable number of species. Applicants assert that a single species is less than a reasonable number. Furthermore, Applicants assert that, at least with respect to the elected

species, if the elected species is found patentable, the Examiner is required to expand the search to include other species. Such expanded search must be continued until an unpatentable species is found or all species are deemed allowable. See MPEP § 803.02.

### CONCLUSIONS

In view of the remarks presented herein, Applicants respectfully submit that the present election/restriction requirement be withdrawn. In the event there are remaining issues, the Examiner is invited to call Applicants' undersigned attorney to discuss such issues.

Respectfully submitted,  
Dykstra et al.

By \_\_\_\_\_

  
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December 19, 2003

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